

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

GAVIN OBRYAN ROBINSON, and
DEJUAN MAURICE PORTER,

Defendants.

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No. 3:19-CR-150-TAV-DCP

MEMORANDUM AND ORDER

This case is before the Court on the Unopposed Motion to Continue Trial [Doc. 20], filed by the Government on October 31, 2019, and referred [Doc. 21] to the undersigned on November 1, 2019. *See* 28 U.S.C. § 636(b). The Government asks to continue the November 5, 2019 trial date in this case. It states that this case involves voluminous discovery, including intercepted audio and texted conversations from a Title III wiretap. The motion relates that the Government is aware that defense counsel need additional time to review the discovery. Additionally, the Government is seeking a superseding indictment in this case, which will bring additional substantive charges. The motion states that defense counsel have informed the Assistant United States Attorney that they do not oppose a trial continuance. The Government notes that Defendant Robinson attempted to file a motion to continue the trial 60 to 90 days.¹ The parties have conferred with Chambers and agreed on a new trial date of February 11, 2020.

¹ Defendant Robinson filed this motion in case number 3:19-MJ-1098, which was assigned with the issuance of a Criminal Complaint for Defendants Robinson and Porter. The Criminal Complaint merged into the Indictment [Doc. 8], filed on September 4, 2019, and the former case number was closed.

The Court finds the Government's motion to continue the trial is unopposed and well-taken. The Court also finds that the ends of justice served by granting a continuance outweigh the interest of the Defendants and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Indictment [Doc. 8] charges the Defendants with conspiring to possess with the intent to distribute 500 grams or more of cocaine and cocaine base, beginning in August 2019 (Count One). Additionally, each Defendant is charged with one count of possessing a firearm in furtherance of a drug trafficking crime on August 28, 2019. The Government is seeking a superseding indictment, which it contends will add substantive charges. The Government also relates that the discovery in this case is voluminous and that defense counsel have related that they need additional time to complete their review of the discovery in this case. The Court finds that without a continuance, defense counsel would not have the reasonable time necessary to prepare for trial, despite counsel's exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

The Unopposed Motion to Continue Trial [**Doc. 20**] is **GRANTED**, and the trial is reset to **February 11, 2020**. The Court finds that all the time between the filing of the motion for a continuance on **October 31, 2019**, and the new trial date of **February 11, 2020**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(1)(D) & -(7)(A)-(B). With regard to additional scheduling in this case, the deadline for filing pretrial motions is extended to **December 6, 2019**. Responses to pretrial motions are due on or before **December 20, 2019**. If any motions are filed that require a motion hearing, the parties will be contacted to schedule a motion hearing. The deadline for concluding plea negotiations and providing reciprocal discovery is extended to **January 17, 2020**. The parties are to appear before the undersigned for a final pretrial conference on **January 21, 2020, at 1:30 p.m.** All motions *in limine* must be filed no later than **January 27, 2020**. Special requests for jury instructions shall

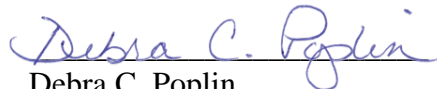
be filed no later than **January 31, 2020**, and shall be supported by citations to authority pursuant to Local Rule 7.4.

Accordingly, it is **ORDERED** as follows:

- (1) The Unopposed Motion to Continue Trial [**Doc. 20**] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **February 11, 2020, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;
- (3) All time between the filing of the motion on **October 31, 2019**, and the new trial date of **February 11, 2020**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The deadline for filing pretrial motions is extended to **December 6, 2019**. Responses to pretrial motions are due on or before **December 20, 2019**;
- (5) The deadline for concluding plea negotiations and providing reciprocal discovery is extended to **January 17, 2020**;
- (6) The parties are to appear before the undersigned for a final pretrial conference on **January 21, 2020, at 1:30 p.m.**;
- (7) Motions *in limine* must be filed no later than **January 27, 2020**; and
- (8) Special requests for jury instructions with appropriate citations shall be filed by **January 31, 2020**.

IT IS SO ORDERED.

ENTER:


Debra C. Poplin
United States Magistrate Judge